

BLUNDERS OF PROSECUTOR AID DISBROW

District Attorney Fails to Ask
Questions of Importance
About the Killing of
"Dimple" Lawrence and
Clarence Foster.

COURT BRINGS OUT FACTS.

Witnesses Describe the Finding
of the Bodies of Young Foster
and the Girl, and One Says
Foster Had a Wound.

(Special to The Evening World.)

RIVERHEAD, L. I., Jan. 13.—With but one jurymen to be selected, Justice Maddox at 1 o'clock this afternoon resumed the trial of Louis A. Disbrow for the murder of Clarence Foster and Dimple Lawrence in Tiana Bay last June.

When the Sheriff tolled the court-house bell at 12:45 o'clock the big room was filled to its utmost capacity. There were many well-dressed women in court to-day, most of them from out of town, friends of the Disbrow family. J. S. Lawrence was one of the arrivals to-day. He was in court early.

When Justice Maddox convened court he told the crowd that there must be no demonstration of any kind. It required only a short time to select the twelfth juror. After one or two talesmen had been excused Charles S. Vail was called. He was satisfactory to each side, and was sworn in. He is the only fisherman in the jury box.

Lawyer Miles asked that the District Attorney elect on which count of the indictment the defendant was to be tried. The motion was denied and an exception was allowed. District Attorney Smith then opened the case for the people.

"We will show you," he said, "that when Foster's body was found it bore traces of the conflict. We will show you that Foster was killed by a blow on the head. We will show you that the wound on the head was inflicted during life. And there will be other circumstances to show that Foster was dead before he struck the water."

Mr. Smith told the jury that he would show that Disbrow, after the crime, had prepared for flight, and that he had obtained money on bonds checked at the bank. Mr. Miles interrupted the District Attorney, taking exception to his remarks about the checks.

Mr. Smith was embarrassed and Justice Maddox suggested he change his language. Mr. Smith is a poor talker and extremely nervous.

First Witness Called.

Francis J. Hawkins was the first witness called. He is a surveyor, and testified to the measurements he had taken of the "Dimple" Lawrence was found and where Foster's body was found. He also made measurements of the Tinnels home.

A Point for Disbrow.

John McCarney, of East Quogue, who found the body of Foster, was the next witness. His testimony was favorable to the defense, inasmuch as he swore that there was a depth of eight feet where he saw the body, whereas the prosecution has been asserting all along that Tiana Bay is no more than four feet deep at any point.

The next witness was Roger Squire, whose house Foster's body was washed up. During the testimony of Mr. Squire Justice Maddox announced that beginning to-morrow court will open at 10 o'clock A. M. and continue in session until 10 o'clock P. M. with court adjournments for luncheon and dinner.

Willis W. Wells, the Liveryman who

led out the rig to Foster, Disbrow and Dimple Lawrence, was called.

Judge Rebukes Prosecutor.

Justice Maddox was clearly upset with the way that the District Attorney conducted his examination of witnesses. He said: "Mr. District Attorney, the defendant is on trial for one crime (meaning bogus checks) and you are leading to have passed after the tragedy will be admitted."

The defense scored point after point because of the District Attorney's method of trying to jumble a lot of facts together.

Disbrow's cap and sweater, found in the wagon by a witness, were produced and identified.

Mr. Wells testified that when he got the wagon back there were hairpins and buttons in the bottom of the seat.

Joseph Tilton testified about the finding of Foster's body. He described a wound over Foster's eye. He saw blood oozing from the nose and ears.

Willis Wells was then recalled. Justice Maddox asked him questions that should have been asked by the District Attorney concerning who was in the wagon.

Warren Corwin, of Good Ground, at whose hotel "Dimple" Lawrence and her mother lived, told how she had come to this place for board. He knew Foster well. He had seen Disbrow a half-dozen times when he called on "Dimple" Lawrence.

EAST SIDE POOR WAITING IN LINE TO GET FUEL AT ONE OF THE COAL SUPPLY YARDS IN MANHATTAN.



BABY LOSING IN FIGHT FOR NAME

Testimony of Mrs. Martin's Physician
Tends to Establish
Husband's Claim that Child Is
Spurious.

SHE IMPORED SILENCE.

The testimony taken after recess in the matter of the application of Dr. John MacLeod Martin to have expunged from the records of the Bureau of Vital Statistics the record of the birth of a child alleged to have been born to Mrs. Martin on June 23 of last year, was very strongly in support of the doctor's contention.

"Please Say Nothing."

Dr. John M. West, of No. 11 West Forty-ninth street, was called to the stand by Dr. Martin's lawyer, Dr. West testified that on or about June 6, 1902, he received a visit from Mrs. Martin, who told him she was about to become a mother. After an examination Dr. West told Mrs. Martin she was mistaken.

Subsequently Dr. West received a note from Mrs. Martin in which she stated that Dr. Martin had returned and was circulating all sorts of reports concerning her. She besought Dr. West on no account to mention her visit to him.

The note was put in evidence. It was in Mrs. Martin's handwriting.

It was a very peculiar coincidence that at this stage of the proceedings Mrs. Martin's baby, in an adjoining room, set up a lusty howl.

On cross-examination Dr. West said he fixed the date by the fact that his wife had gone to the country on June 6, 1902, and Mrs. Martin's visit was on the day following. He said he did not know Dr. Martin and had never seen him prior to the hearing.

The baby was in the court-room for a few moments this morning. She looked like all other blue-eyed and dark-haired babies, and divided her time by alternately crying and crying, much to the amusement of the crowd present. Then Mrs. Martin took her out into an adjoining room, where a nurse, Mrs. Lena P. Rickert, took charge.

Dr. Martin resumed the stand to-day and submitted this morning. He looked like a man who had been through a long and hard fight. He was the attorney for Mrs. Martin. The questions put by the lawyer tended to show that Mrs. Martin had been badly treated by the doctor during the period she lived with him.

"I am a fact that you refused your wife money for the necessities of life?" Dr. Martin admitted this and finally admitted that he often refused her money.

"Did not Mrs. Martin support you at the time you were studying in the Royal College of Surgeons in London?" "To a limited extent, yes. I believe she did assist me once or twice."

"Didn't you refuse to prescribe for your wife?" "Oh, I gave her a general tonic at times. I didn't quite know what was the matter with her."

"Didn't you examine her?" "No."

"Is that the proper conduct for a physician to prescribe without examining his patient?" "No."

On cross-examination Dr. Martin explained why he thought the baby spurious. He denied that he had offered the midwife money to swear that the child was not born to Mrs. Martin, but admitted that he was angry when he visited the midwife. He had just seen his wife in the hospital originally his suspicions were aroused because he did not hear of the birth of the infant until three weeks after it happened.

HITS AT AMERICAN GRAIN.

BERLIN, Jan. 13.—The Society of Grain Dealers, of the Hamburg Boers, has published the following: "Renewed complaints against the inferior quality of American shipments of wheat and corn have been made to the board of managers. They later, therefore, intend to again make a protest to the American produce exchanges in order to remedy the evils complained of and to secure strict supervision of classification."

Southern's Palm Limited

the popular train to
ST. AUGUSTINE, FLA. BRANCH AND MIAMI
via Palm Beach, Fort Pierce, St. Cloud, Sebring, and
Dunn. Leave New York daily 12:30 P. M. This train
also carries the Southern Railway's famous
Dining Cars. New York office, 211 and
213 Broadway.

NEW YORK HELD UP BY THE NEW COAL COMBINE FOR \$125,000 A DAY.

President Baer's denial of a combination between the railroad coal operators and the independent operators to hold up New York for \$10 per ton of coal counts for little in the face of the figures obtained from most reliable sources. See the figures on coal shipments to New York to-day and shipments before the independent operators were permitted to control the market and not rob New York of \$125,000 a day. Look at these figures:

| | January, 1903. | December, 1902. |
|---|------------------------------|------------------------------|
| | \$5 Company. \$10 Indep'd't. | \$5 Company. \$10 Indep'd't. |
| | Coal-Tons. Coal-Tons. | Coal-Tons. Coal-Tons. |
| Greater New York | 25,000 | 25,000 |
| Philadelphia | 21,000 | 21,000 |
| Boston | 5,000 | 5,000 |
| New Jersey | 5,000 | 5,000 |
| New England | 8,750 | 5,000 |
| Buffalo | 2,500 | 2,500 |
| Western States | 18,000 | 10,000 |
| Southern States | 10,000 | 10,000 |
| Canada | 6,500 | 2,500 |
| Central New York and Pennsylvania, including large proportion of coal sold at mines | 80,000 | 78,500 |
| Total | 176,750 | 90,000 |

NEWARK FACTORY BLOWN TO PIECES.

Explosion Completely Wrecks a Building in
Washington Street and One Man's Head
Is Blown Off.

NEWARK, N. J., Jan. 13.—There was a tremendous explosion in a factory on Washington street, this city, this afternoon. The entire building was blown to pieces.

The wrecked building is at No. 370 Washington street and was occupied by the Washington Street Japanning Works. Sidney Knight is known to have been killed. His head was blown off. John Neudrick is known to have been seriously injured.

SUICIDE DUE TO KAISER'S WRATH

Lieutenant Who Sank the Ven-
ezuelan Ships Shoots Himself
on His Way Home to Ger-
many.

HE HAD BEEN RECALLED.

BERLIN, Jan. 12.—First Lieutenant von Lengerke, of the German cruiser Vineta, whose death on board the passenger steamer Hispania before her arrival at Bremerhaven was reported on Saturday last, committed suicide.

According to the official report he shot himself with a revolver in his cabin on board the steamer while near land. It was added that Lieut. von Lengerke was returning home after having been seriously ill while in the tropics.

A rumor popularly circulated is that he lost official favor because he sank the Venezuelan vessels captured at La Guayra, and that he was ordered home on that account.

SAGASTA IS LAID TO REST.

King Looks on While Statesman
Is Entombed.

MADRID, Jan. 13.—The remains of former Premier Sagasta, who died Jan. 5, were entombed to-day in the Church of San Francisco, in the presence of King Alfonso and other members of the royal family, the Cabinet Ministers, diplomatic corps and many military and civil dignitaries.

MISSING MAN HAD \$2,500.

Brooklyn Police Asked to Find a
Man Missing Since Dec. 31.

The Brooklyn police were asked to-day to send out a general alarm for Frederick Abbey, of No. 164 Vine street, Waterbury, Conn., who came to this city on Dec. 31 with \$2,500 and has not been heard of since.

Abbey, who is thirty-six years old, five feet seven inches tall, weighs 160 pounds, has blue eyes, brown hair and mustache and wore dark clothes, told his wife when he left Waterbury that he was going to New York to look for work.

As she did not hear from him after that, she came to this city, yesterday, and after going to the houses of several friends in Brooklyn and finding that they had seen nothing of him, she notified the police. She said that besides the \$2,500 he had several checks and a bank-book of the Brooklyn Dime Savings Bank.

Nancy Klemm Is Missing.

Nancy Klemm, twenty-seven years old, 5 feet in height, slim build, light hair and complexion, gray eyes, gray dress, no hat, low shoes, has been missing since Jan. 11 from No. 14 East Eighty-third street. It is said she is slightly demented.

"HIAWATHA" SOLD

FOR \$10,000.

Highest Price Ever Paid for a
Musical Composition.

DETROIT, Jan. 13.—The largest amount ever paid for a musical composition was paid for the instrumental piece "Hiawatha" by the Whitney-Warner Publishing Company, of this city. They recently bought out Daniels, Russell & Sons, of St. Louis, principally to obtain "Hiawatha." The house from which emanated the tremendous hit, "Croix Belles," "Hiawatha" to pay this record-breaking price for "Hiawatha" is an interesting bit of news. It is not only very beautiful but it is exceedingly practical. It promises to become the most popular piece of music in America.

WOMAN CRUSHED TO DEATH.

Caught Between Two Cars While
Seeking Coal in a Railway Yard.

NEWTON, N. J., Jan. 13.—Mrs. George Duluca, twenty-four years old, was instantly killed in the yard of the Lackawanna Railroad here to-day. She was passing between two cars in her search for coal when the engine to which the first car was attached began to back down. She was caught between the buffers of the cars and crushed to death.

DIG UP SECOND SKELETON.

Laborers Unearth Well-Preserved
Bones in Brooklyn.

Laborers digging the excavation for the foundation of the extension of the Brooklyn Hall of Records came across another skeleton this afternoon directly under the foundation of the present Hall of Records.

A few days ago a skeleton and a tombstone were dug up near the corner of Livingston street and Court Square. The skeleton found to-day was splendidly preserved. There was a full set of teeth in the skull. It is not known that there was ever a burying ground in the neighborhood.

WEATHER FORECAST.

Forecast for the thirty-six
hours ending at 3 P. M. Wednes-
day for New York City and vic-
inity: Fair to night; Wednes-
day fair and moderating; fresh
westerly winds, becoming vari-
able.

MOTHER OF BABY DISOWNED BY MARTIN BREAKS DOWN ON STAND

Mrs. John McLeod Martin broke down while testifying before
the Health Department at the hearing of her husband's applica-
tion to have the birth of her child expunged from the records.

Lawyer Lewis H. Reynolds made a motion that the case be
dismissed because of insufficient evidence, but Commissioner
Lederle denied the motion.

The baby was brought in and Lawyer Reynolds pointed out
the similarities between the mother and child, calling particular
attention to the color of the hair and eyes and the peculiar
formation of the chin and nose.

Commissioner Lederle adjourned the hearing until to-mor-
row afternoon.

LATE RESULTS AT NEW ORLEANS.

Fifth Race—Flintlock 1, Hargis 2, Emshee 3.
Sixth Race—Gin Spray 1, Compass 2. Two starters.

FRED C. WILLETT INJURED AT A FIRE.

Four tenants of the five-story brown-stone apartment-
house at No. 24 West One Hundred and Thirty-fourth street
were burned out this afternoon. It started in a closet in Fred
C. Willett's apartment and quickly spread to the floor above
and demolished the rooms of Alfred James, W. Odell and G.
Dougherty. Fred C. Willett was badly burned.

CONGRESS TO LET COAL IN FREE; BUT PRICES GO UP.

House and Senate Both Decide on
Drastic Measures to Curb the Greed
of the Trust by Rebates and by In-
vestigating the Alleged Conspiracy.

Operators Tell Mayor Low that They
Will Sell Anthracite to the Poor at
Ten Cents a Bucket, but They Prom-
ise No Relief for the General Public.

Congress dealt two hard blows at the Coal Trust to-day.
The first was when the Ways and Means Committee of the House
unanimously reported a bill to refund the duty on coal for a year.
The second was the passage by the Senate of a resolution author-
izing an investigation into the methods of the trust, and empowering the
committee to call for books and summon witnesses.

New proof of a conspiracy of the coal operators to squeeze New York
was found by The Evening World. Its reports, from reliable sources,
show that 25,000 tons of the so-called "Independent" coal—one-half of
the entire output—is shipped to New York daily. This is ten times the
daily shipments of independent coal during December. The daily ship-
ments by the coal roads to New York during December were 187,500 tons.
These shipments have now been reduced to 25,000 tons.

The general coal situation in New York was not relieved by the con-
ference between Mayor Low and the coal operators at City Hall. Presi-
dent Baer and other coal road officials promised to aid in the distribu-
tion of the coal they sell at \$5 a ton among the poor at the rate of 10
cents a pail, but nothing was done to cut down the amount of \$10 an-
thracite shipped to this city and sold to the general public.

(Special to The Evening World.)

WASHINGTON, Jan. 13.—Fearful of being unable to prevent radical
amendments to the bill to rebate all duties on coal for one year, the Re-
publican leaders to-day postponed action until to-morrow, when a rule will
be brought in preventing the offering of any amendments. Chairman
Payne, of the Committee on Ways and Means, intended passing the bill to-
day, but when he learned the Democrats and a few "tariff revision" Republi-
cans would undertake to amend it, he determined to wait for the rule.

At the same time in the Senate on motion of Jones, of Nevada, the
resolution introduced by Senator Stewart was passed.

It provides for an investigation of the coal situation and empowers
the Senate to send for books and summon witnesses.

Representatives Payne, Grosvenor and Dalzell were called to the White
House by the President before the House met. It was the intention of the
House leaders to limit the drawback on duties on coal to six months. At
the request of the President the time was extended to one year and instead
of a drawback the duties are rebated and will not be collected. This is the
simpler method and will not entail so much bookkeeping in the Treasury
Department.

The Democratic members of the Ways and Means Committee tried to
have coal put on the free list, but this was defeated by a strict party vote.

DOLLIVER ATTACKS DINGLEY LAW.

Senator Dolliver, of Iowa, in answer to a charge that Secretary
Shaw had overthrown the law by abrogating the coal duties, made a sen-
sational speech, in which he severely censured the Senate for refusing
to act upon the various reciprocity treaties. He said, in his opinion, the
entire protective policy of the Republican party depended upon the carrying
out of President McKinley's ideas.

He vigorously assailed the "stand pat" element, both in the Senate
and the party.

He said the Dingley tariff was purposely made higher than necessary
in order that the United States might have something to trade on through
reciprocity treaties. It was only through reciprocity treaties, he said, com-
merce of the United States could be maintained.

His speech was most sensational, and during its delivery Senators
Hanna and Aldrich sat immediately in front of him and listened with
much attention.

HANNA PLAINLY WORRIED.

They were evidently worried and ill at ease. At the conclusion of Sen-
ator Dolliver's speech no Senator congratulated him. Every one in the
Senate turned and looked in wonder at him when he denounced the present
tariff, saying the schedules were not only too high, but entirely unnecessary
in many instances. Senator Dolliver's speech was an exemplification of the
Iowa idea of reciprocity and tariff revision. It is the first public utterance
of a Republican in Congress looking toward a revision of the tariff.

The Committee reported the bill but will not call it up in the House
for consideration to-day as originally contemplated, the decision having
been reached to bring it up under a rule to-morrow.

NEW YORK IN GRASP OF THE NEW COAL COMBINE.

Reports received by The Evening World to-day show that New York
City is in the grasp of the coldest-blooded gang of freebooters that ever
speculated in a necessary of life.

Signs of the conspiracy have been evident since the strike was declared.

(Continued on Second Page.)